

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicants:	Ludmilla Cherkasova et al.	§	Art Unit:	2155
		§		
Serial No.:	10/801,793	§	Conf. No.:	
		§		
Filed:	March 16, 2004	§	Examiner:	Michael Young Won
		§		
Title:	System And Method For	§§	Docket No.	82189274
	Determining A Streaming	§		(HPC.0519US)
	Media Server Configuration	§		
	For Supporting Expected	§		
	Workload In Compliance	§		
	With At Least One Service	§		
	Parameter	§		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INTERVIEW SUMMARY**

Dear Sirs:

In a telephonic interview between the undersigned and the Examiner on August 3, 2011, claim amendments were discussed in view of the Board of Appeal decision of July 5, 2011. Agreement was reached that claims 1 and 4-21 were to be cancelled and claim 3 was to be amended into independent form, in accordance with the draft amendment (attached). Neither prior art nor other amendments were discussed.

Respectfully submitted,

Date: September 2, 2011

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicants:	Ludmilla Cherkasova et al.	§	Art Unit:	2155
Serial No.:	10/801,793	§	Conf. No.:	1926
Filed:	March 16, 2004	§	Examiner:	Michael Young Won
Title:	System And Method For Determining A Streaming Media Server Configuration For Supporting Expected Workload In Compliance With At Least One Service Parameter	§	Docket No.	200401021-1 (HPC.0519US)

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450

DRAFT AMENDMENT

Dear Sir:

Please cancel claims 1 and 4-21 without prejudice and amend the claims in accordance with the following CLAIM AMENDMENTS section; and consider the comments in the following REMARKS section.

## CLAIM AMENDMENTS

1.-2. (Cancelled)

3. (Currently Amended) ~~The method of claim 1~~ A method comprising:  
receiving, into a capacity planning system, workload information representing an  
expected workload of client accesses of streaming media files from a site;  
receiving, into said capacity planning system, at least one service parameter that defines a  
desired service characteristic to be provided by a media server configuration under the expected  
workload and defines a desired service characteristic to be provided by a media server  
configuration during periods of degraded service under the expected workload; and  
determining, by said capacity planning system, for at least one server configuration, how  
many servers of said at least one server configuration to be included at said site for supporting  
the expected workload in compliance with said at least one service parameter, wherein said at  
least one service parameter specifies a limit on the amount of degradation of service encountered  
during said periods of degraded service.

4.-21. (Cancelled)

22. (Previously Presented) A method comprising:  
receiving, into a capacity planning tool, workload information representing an expected  
workload of client accesses of streaming media files over a period of time T;  
said capacity planning tool determining, for at least one media server configuration under  
evaluation, an amount of overload encountered by said at least one media server configuration  
during each of a plurality of time intervals of said expected workload; and  
said capacity planning tool receiving at least one performability parameter that defines a  
desired limit on the amount of continuous overload encountered by a media server configuration  
under the expected workload.

23. (Original) The method of claim 22 where each of said plurality of time intervals  
have a size I where  $I < T$ .

24. (Original) The method of claim 22 wherein beginning points of each of said plurality of time intervals are separated by a Step amount.

25. (Original) The method of claim 24 wherein said  $\text{Step} < 1$ .

26. (Original) The method of claim 24 wherein each of said intervals has a duration of 1 hour and said Step is 1 minute.

27. (Cancelled)

28. (Previously Presented) The method of claim 22 wherein said capacity planning tool evaluates said amount of overload encountered by said at least one media server configuration during each of said plurality of time intervals to determine whether said at least one media server configuration satisfies said at least one performability parameter.

29. (Previously Presented) The method of claim 22 wherein said at least one performability parameter comprises at least one selected from the group consisting of:

a regular-mode overload constraint that specifies a desired limit on the amount of degradation in service that is encountered during periods of performance degradation under regular system operation of a media server configuration, and

a node-failure-mode overload constraint that specifies a desired limit on the amount of degradation in service that is encountered during periods in which one or more nodes of a clustered media server configuration have failed.

30. (Previously Presented) A method comprising:
- receiving, into a capacity planning tool, workload information identifying an expected workload of client accesses of streaming media files from a server over a period of time T;
- determining, by said capacity planning tool, an interval overload profile for a media server configuration under evaluation, wherein said interval overload profile specifies an amount of overload of said media server configuration for each of a plurality of time intervals of duration I of said expected workload, where  $I < T$ ; and
- said capacity planning tool determining based at least in part on the interval overload profile whether said media server configuration under evaluation supports the expected workload in compliance with defined service parameters that define service characteristics desired by a service provider, wherein said defined service parameters include at least one performability parameter that defines a desired limit on the amount of continuous overload encountered by a media server configuration under the expected workload.
31. (Original) The method of claim 30 wherein beginning points of each of said plurality of time intervals are separated by a Step amount.
32. (Original) The method of claim 31 wherein said  $\text{Step} < I$ .
33. (Cancelled)
34. (Previously Presented) The method of claim 30 wherein said capacity planning tool evaluates said interval overload profile for said media server configuration under evaluation to determine whether said media server configuration under evaluation satisfies said at least one performability parameter.

35. (Previously Presented) The method of claim 30 wherein said at least one performability parameter comprises at least one selected from the group consisting of:  
a regular-mode overload constraint that specifies a desired limit on the amount of degradation in service that is encountered during periods of performance degradation under regular system operation of a media server configuration, and  
a node-failure-mode overload constraint that specifies a desired limit on the amount of degradation in service that is encountered during periods in which one or more nodes of a clustered media server configuration have failed.

36. (Previously Presented) A system comprising:  
means for receiving workload information representing an expected workload of client accesses of streaming media files from a site over a period of time  $T$ ;  
means for determining, for at least one media server configuration under evaluation, an amount of overload encountered by said at least one media server configuration during servicing each of a plurality of time intervals of said expected workload; and  
a means for receiving at least one performability parameter that defines a desired limit on the amount of continuous overload encountered by at least one media server configuration.

37. (Original) The system of claim 36 further comprising:  
means for receiving information specifying duration of each of said time intervals.

38. (Original) The system of claim 36 where each of said plurality of time intervals have a duration  $I$  where  $I < T$ .

39. (Original) The system of claim 36 wherein beginning points of each of said plurality of time intervals are separated by a Step amount.

40. (Original) The system of claim 39 wherein said Step is smaller in duration than a duration  $I$  of each of said intervals.

41. (Cancelled)

42. (Previously Presented) The system of claim 36 further comprising:

means for evaluating the determined amount of overload encountered by said at least one media server configuration under evaluation for each of said plurality of time intervals to determine whether said at least one media server configuration under evaluation satisfies said at least one performability parameter.

43. (Previously Presented) The system of claim 36 wherein said at least one performability parameter comprises at least one selected from the group consisting of:

a regular-mode overload constraint that specifies a desired limit on the amount of degradation in service that is encountered during periods of performance degradation under regular system operation of said at least one media server configuration under evaluation, and

a node-failure-mode overload constraint that specifies a desired limit on the amount of degradation in service that is encountered during periods in which one or more nodes of a clustered media server configuration under evaluation have failed.

44. (Original) A system comprising:

a media profiler operable to receive workload information for a service provider's site and generate a workload profile for a server configuration under consideration for supporting the service provider's site; and

a capacity planner operable to receive the generated workload profile for the server configuration under consideration and determine how many servers of said server configuration are needed to provide a media server solution having sufficient capacity for supporting the site's workload in compliance with defined performability parameters that specify a desired limit on degradation of quality of service provided by said media server solution during periods of degraded service.

45. (Previously Presented) The system of claim 44 wherein said periods of degraded service comprise periods in which said media server configuration is unable to serve at least one stream so as to avoid interruptions in the presentation of such stream.

46. (Original) The system of claim 44 wherein said defined performability parameters comprise at least one selected from the group consisting of:

a regular-mode overload constraint that specifies a desired limit on the amount of degradation in service that is encountered during periods of degraded service under regular system operation of said media server solution, and

a node-failure-mode overload constraint that specifies a desired limit on the amount of degradation in service that is encountered during periods in which one or more nodes of a clustered media server solution have failed.



REMARKS

This amendment is being filed to place the application in condition for allowance.  
Claims 1 and 4-21 have been cancelled, and claim 3 has been rewritten in independent form.

CONCLUSION

In view of the foregoing, Applicant respectfully requests a favorable action in the form of a Notice of Allowance. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 08-2025, under Order No. 2004041021-1.

Respectfully submitted,

Date: \_\_\_\_\_

**DRAFT**

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